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NETFLIX, INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 MICHAEL RURA, on behalf of himself and all)
others similarly situated,)

14 Plaintiff,)

15 v.)

16 NETFLIX, INC.,)

17 Defendant,)
18)
19)
20)

CASE NO.: 11 CV 01075 SBA

STIPULATION AND ~~PROPOSED~~
ORDER REGARDING
DEFENDANT'S RESPONSE TO THE
COMPLAINT DUE TO PENDING
MOTION TO CONSOLIDATE

1 WHEREAS, on March 8, 2011, Plaintiff Michael Rura (“Plaintiff”) filed a class action
2 complaint against Netflix, Inc. (“Netflix”) alleging violations of the Video Privacy Protection
3 Act (“VPPA”) and other claims arising from Netflix’s alleged data retention practices;

4 WHEREAS, in addition to this action, to date, four additional class action complaints
5 have been filed in this judicial district that contain substantially similar allegations and causes of
6 action, and that seek the same relief as this action, specifically Milans v. Netflix, Inc., Case No.
7 11-CV-0379 JF (the “Milans Action”); Bernal v. Netflix, Inc., Case No. 11-CV-00820 PSG (the
8 “Bernal Action”); Comstock v. Netflix, Inc., Case No. 11-CV-1218 HRL (the “Comstock
9 Action”); and Sevy v. Netflix, Inc., Case No. 11-CV-01309 PSG;

10 WHEREAS, on March 11, 2011, Plaintiff filed an administrative motion for an order
11 relating the above-captioned action with the Milans Action;

12 WHEREAS, on March 11, 2011, plaintiffs in this action and the Bernal Action filed a
13 motion in the Milans Action for an order (1) consolidating this action with the Bernal Action and
14 the Milans Action; and (2) appointing Bursor & Fisher, P.A. and Faruqi & Faruqi, LLP as
15 Interim Lead Co-Class Counsel, which motion is currently set to be heard on May 6, 2011 (the
16 “Consolidation Motion”);

17 WHEREAS, Netflix’s response to the complaint in this action is currently due on or
18 before April 1, 2011;

19 WHEREAS, Netflix has requested, and plaintiffs in each of the actions referenced herein
20 have agreed to, an extension of time for Netflix to respond to the complaint pending
21 resolution of the Consolidation Motion.

1 NOW THEREFORE, IT IS HEREBY STIPULATED that:

2 1. Netflix shall respond to the complaint within 30 days after the cases are
3 consolidated and a consolidated complaint is filed, or, in the event that the Court denies the
4 pending Consolidation Motion, within 30 days of the issuance of such order.

5 2. This stipulation is without prejudice to the rights, claims, or defenses of any party,
6 and shall not be used by Netflix as evidence of, or to support any argument that, Plaintiff has not
7 timely pursued his claims or has not been diligent.

8
9 Dated: March 22, 2011

s/ Rodney G. Strickland, Jr.

10 Rodney G. Strickland, Jr.
11 WILSON SONSINI GOODRICH & ROSATI

12 Attorneys for Defendant
13 NETFLIX, INC.

14 Dated: March 22, 2011

s/ Vahn Alexander

15 Vahn Alexander
16 FARUQI & FARUQI, LLP

17 Attorneys for Plaintiff Michael Rura
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~~PROPOSED~~ ORDER

Netflix shall respond to the complaint no later than 30 days after the cases are consolidated and a consolidated complaint is filed, or, in the event that the Court denies the pending Consolidation Motion, within 30 days of the issuance of such order.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 3/28/11


UNITED STATES DISTRICT JUDGE

1 I, Rodney G. Strickland, Jr., am the ECF User whose identification and password are
2 being used to file the Stipulation And [Proposed] Order Regarding Defendant's Response to the
3 Complaint. I hereby attest Vahn Alexander has concurred in this filing.

4
5 Dated: March 22, 2011

s/ Rodney G. Strickland, Jr. _____

Rodney G. Strickland, Jr.
WILSON SONSINI GOODRICH & ROSATI

Attorneys for Defendant
NETFLIX, INC.